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EXPRESS MAIL NO.: EL348121791US
 ATTORNEY DOCKET NO. 15006.0007U2
 PAGE 1 OF 2 (02/03/00)

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CONTINUING APPLICATION TRANSMITTAL FORM
 (37 C.F.R. § 1.53(b))

ANTICIPATED CLASSIFICATION OF THIS APPLICATION:

PRIOR APPLICATION: 09/081,186

CLASS: 604

SUBCLASS: 026.000

EXAMINER: Thompson, M.

ART UNIT: 3763

To the Assistant Commissioner for Patents:

This is a request for filing a divisional application under 37 C.F.R. 1.53(b), of pending prior application serial No. 09/081,186 filed on May 19, 1998, of Douglas E. Ott, John F. Schaefer and Robert I. Gray for "Method and Apparatus for Conditioning Gas for Medical Procedures Having Humidity Monitoring and Recharge Alert".

If any extension of time is necessary for the filing of this application, including any extension of time necessary in the prior application for maintaining copendency between the prior application and this application, and such extension has not otherwise been requested, Applicant hereby petitions for such an extension in the prior application.

1. Enclosed is a specification as prescribed by 35 U.S.C. § 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a).

2. The inventor(s) of the invention being claimed in this application is(are): Douglas E. Ott, John F. Schaefer and Robert I. Gray

3A. ☒ This application is a divisional application

- (i) names as inventors the same or fewer than all of the inventors named in the prior application; and
 (ii) contains no matter that would have been new matter in the prior application; and
 (iii) a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed:

☒ is enclosed.
☐ will follow.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following persons who are not inventors of the invention being claimed in this application:

-OR-

3B. ☐ This application is a continuation-in-part application, or a continuation or divisional application naming an inventor not named in the prior application. A newly executed oath or declaration:

☐ is enclosed.
☐ will follow.

4. ☐ Amend the Title of the Invention as follows:

5. ☒ Amend the specification by inserting before the first line the sentence:

A This application is a divisional of, and claims the benefit of, application serial No. 09/081,186, filed May 19, 1998.

6. ☐ Priority of foreign application number, filed on in is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior application Serial No., filed on.

7. ☒ Cancel in this application original claims 1-31 and 45-52 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

8. ☐ A preliminary amendment is enclosed.

9. ☒ New formal drawings are enclosed.

10. ☒ Also enclosed are: PTO-1449 and PTO 892 listing references made of record in the prior application.

11. ☒ The prior application is assigned of record to: Douglas E. Ott

12. ☒ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27:

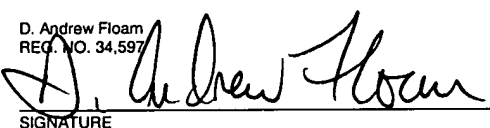
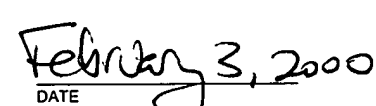
☒ is enclosed

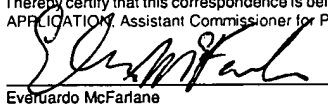
☐ was filed in prior application and such status is still proper and desired (37 C.F.R. 1.28(a)).

13. The filing fee is calculated as follows:

TOTAL CLAIMS	13 - 20 = 0	x \$18.00	\$0.00
INDEPENDENT CLAIMS	1 - 3 = 0	x \$78.00	\$0.00
MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) =		+ \$260.00	\$0.00
BASIC FEE =			\$690.00

BASIC FEE =	\$690.00
TOTAL OF ABOVE CALCULATIONS =	\$690.00
REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. 1.9, 1.27, 1.28) IF APPLICABLE, AFFIDAVIT MUST BE FILED ALSO.	\$345.00
TOTAL NATIONAL FEE =	\$345.00

14.	[X]	A check in the amount of \$345.00 is enclosed.
15.	[]	The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account No. 14-0629.
16.	[X]	<p>The Power of Attorney in the prior application is to:</p> <p style="margin-left: 40px;">a. [X] The Power of Attorney appears in the original papers in the prior application (copy enclosed).</p> <p style="margin-left: 40px;">b. [] Since the Power does not appear in the original papers, a copy of the power in the prior application is enclosed.</p> <p style="margin-left: 40px;">c. [] Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)</p> <p style="text-align: right; margin-right: 20px;">D. Andrew Floam NEEDLE & ROSENBERG, P.C. Suite 1200, The Candler Building 127 Peachtree Street, N.E. Atlanta, GA 30303-1811</p>
17.		<p>I hereby verify that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div style="width: 45%;"><p>D. Andrew Floam REG. NO. 34,597</p><p>SIGNATURE</p></div><div style="width: 45%; text-align: right;"><p> DATE</p></div></div> <p style="margin-top: 20px;">[] Inventor(s)</p> <p style="margin-top: 5px;">[] Assignee of complete interest</p> <p style="margin-top: 5px;">[X] Attorney or agent of record</p> <p style="margin-top: 5px;">[] Filed under 37 C.F.R. 1.34(a) (Registration No. is acting under 37 C.F.R. 1.34(a):</p>

EXPRESS MAIL NO. EL348121791US
<u>CERTIFICATE OF EXPRESS MAILING</u>
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Invoice No. EL348121791US in an envelope addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231, on the day indicated below.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="width: 45%;"><p>Everardo McFarlane</p></div><div style="width: 45%; text-align: right;"><p><u>2-3-2000</u> DATE</p></div></div>

U.S. PTO
 09/497620
 02/03/00

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (Rev. 7-80) PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO.: 15006.0007	SERIAL NO.
LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)	APPLICANT: Ott et al.	
	FILING DATE: May 19, 1998	GROUP:

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
MA	AA	5,411,474	05/02/95	Ott et al.			
	AB	5,098,375	03/24/92	Baier			
	AC	5,139,478	08/18/92	Koninckx et al.			
	AD	5,006,109	04/09/91	Douglas et al.			
	AE	4,825,863	05/02/89	Dittmar et al.			
	AF	5,246,419	09/21/93	Absten			
	AG	5,148,801	09/22/92	Douwens et al.			
	AH	4,621,633	11/11/86	Bowles et al.			
MA	AI	3,871,371	03/18/75	Weigl			

FOREIGN PATENT DOCUMENTS

MA	AJ	EP 0 569 241 A2	06/05/93	Ward et al.			

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

MA	AK	<u>Laparoscopic Hypothermia</u> , by Douglas E. Ott, published in <i>Journal of Laparoendoscopic Surgery</i> , Vol. 1, No. 3, 1991, pp. 127-131.					
	AL	<u>Correction of Laparoscopic Insufflation Hypothermia</u> , by Douglas E. Ott, published in <i>Journal of Laparoendoscopic Surgery</i> , Vol. 1, No. 4, 1991, pp. 183-186.					
	AM	<u>Contamination via Gynecologic Endoscopy</u> , by Douglas E. Ott, published in <i>Journal of Gynecologic Surgery</i> , Vol. 5, 1989, pp. 205-208.					
	AN	<u>Moisture-conserving efficiency of condenser humidifiers</u> , by Ogino et al., published in <i>Anaesthesia</i> , Vol. 40, 1985, pp. 990-995.					
	AO	<u>The Liquid Barrier Filter - A New Concept To Eliminate Particulate Contaminants From Gases</u> , by Seufert et al., published in <i>Health Physics</i> , Vol. 42, No. 2, 1982, pp. 209-216.					
	AP	<u>Humidification of Rapidly Flowing Gas</u> , by Poulton et al., published in <i>Critical Care Medicine</i> , Vol. 9, No. 1, 1981, pp. 59-63.					
	AQ	<u>Temperature Alarm And Cut-Out System For Use With Heated Water Humidifiers</u> , by Whitehurst et al., published in <i>British Journal Of Anaesthesia</i> , Vol. 52, 1980, pp. 557-558.					
MA	AR	<u>Humidification in a Modified Circle System</u> , by Chalon et al., published in <i>Anesthesia And Analgesia</i> , Vol. 56, No. 3, May-June 1979, pp. 216-220.					

WA	AS	<u>A New Humidifier</u> , by Grant et al., published in <i>Anaesthesia and Intensive Care</i> , Vol. IV, No. 3, August, 1976, pp. 205-210.
	AT	<u>A Safe Nonrebreathing System: Humidity, Sterility, Cost</u> , by Dolorico et al., published in <i>Anesthesia And Analgesia</i> , Vol. 53, No. 1, Jan. - Feb., 1974, pp. 75-79.
	AU	<u>Hypothermia Induced by Laparoscopic Insufflation</u> , by Bessell et al., published in <i>Surgical Endoscopy</i> , Vol. 9, 1995, pp. 791-796.
	AV	<u>Pain Intensity Following Laparoscopy</u> , by Korell et al., published in <i>Surgical Laparoscopy & Endoscopy</i> , Vol. 6, 1996, pp. 375-379.
	AW	<u>Influence of Gas Temperature During Laparoscopic Procedures</u> , J.R. Bessell & G.J. Maddern, published in <i>The Pathophysiology of Pneumo-peritoneum</i> , Rosenthal et al., Springer, 1998, pp. 18-27.
WA	AW	<u>Cook Medical Technology Technological Observer</u> , Cook Australia, January, 1998, pp. 1-5.
EXAMINER: <u>Michael Harper</u> DATE CONSIDERED: <u>09/27/01</u>		
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited

Application No.
09/081,186

Applicant(s)

Ott et al

Examiner

Michael M. Thompson

Group Art Unit
3763

Page 1 of 1

U.S. PATENT DOCUMENTS

*		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
x	A	5,246,419	09-21-93	Absten	604	26
x	B	5,098,375	03-24-92	Baier	604	26
x	C	5,411,474	05-02-95	Ott et al	604	26
	D	4,276,128	06-30-81	Nishino et al	204	38
	E	3,961,626	06-08-76	Houchen et al	128	145
x	F	5,006,109	04-09-91	Douglas et al	604	26
x	G	5,139,478	08-18-92	Koninckx et al	604	26
	H	5,013,294	05-07-91	Baier	604	26
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
	N						
	O						
	P						
	Q						
	R						
	S						
	T						

NON-PATENT DOCUMENTS

*		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	U		
	V		
	W		
	X		

* A copy of this reference is not being furnished with this Office action.
(See Manual of Patent Examining Procedure, Section 707.05(a).)